

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GETTY IMAGES (US), INC., a New
York corporation,

Plaintiff,

v.

VIRTUAL CLINICS, d/b/a VIRTUAL
CLINICS USA; VETERINARY
WEBSITE DESIGNERS, d/b/a VET
WEB DESIGNERS; RONALD CAMP;
KENDRA RYAN, a/k/a KENDRA
CAMP; JOHN DOE ONE, a/k/a ABE and
ABRAHAM GOLDSTIEN; and JOHN
DOE TWO, a/k/a HARRY GRANGER,

Defendants.

No. 2:13-cv-00626-JLR

DECLARATION OF TIMOTHY B.
MCCORMACK IN SUPPORT OF
GETTY IMAGES' RESPONSE TO
DEFENDANTS' MOTION TO
DISMISS

Noted on Motion Calendar:
August 2, 2013

Timothy B. McCormack declares as follows:

1. I am an attorney licensed by the State of Washington and am the founding member of McCormack Intellectual Property Law Business Law PS. I have represented Getty Images (US), Inc. ("Getty Images") in copyright matters for several years. I make this Declaration upon personal knowledge and, if called to testify, could and would testify competently to the facts set forth herein.

2. I received a letter dated June 27, 2012, from “Abraham Goldstien” on behalf of Virtual Clinics. The letter was sent to me at my office address in Seattle and indicated that copies had been sent to Veterinary Medical Center, the Disciplinary Board of the Washington State Bar Association, Washington State Attorney General Rob McKenna, and King County Prosecutor Dan Satterberg. A true and correct copy of that letter is attached hereto as Exhibit 1.

3. I received a letter dated January 23, 2013, from “Abraham Goldstien” on behalf of Virtual Clinics. The letter was sent to me at my office address in Seattle and indicated that copies had been sent to Companion Animal Hospital, which I understand to be a veterinary clinic in Bellevue, Washington and the Disciplinary Board of the Washington State Bar Association. In his letter, Mr. Goldstien stated that Virtual Clinics “was preparing to file a Complaint” against me with the Disciplinary Board of the Washington State Bar Association and threatened to “file charges” against me with the Washington State Attorney General Rob McKenna and King County Prosecutor Dan Satterberg. The letter refers to Companion Animal Hospital as Virtual Clinics’ client. Although the envelope by which the letter was delivered to my law firm lists a return address of Geneva, Switzerland, the envelope bears a postmark by the U.S. Postal Service showing that it was mailed from Orlando, Florida. True and correct copies of the letter and envelope are attached hereto as Exhibit 2.

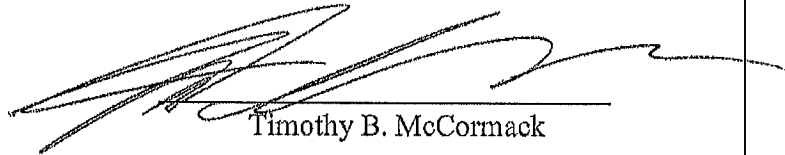
4. I am aware of at least two Washington State Bar Association complaints (from Holistic Xchange (case 1085870) and OTC Penny Stock Awareness (case 1091514)) in which the complainant used a form letter available from the website www.stopgettyimages.com. That website encouraged readers to lodge complaints with the Washington State Bar Association against me and other lawyers for Getty Images.

5. I am aware of the website www.timothybmccormack.com that was created using my name and image without my authorization or approval. Persons accessing that

1 website were re-directed to the website www.stopgettyimages.com and encouraged to lodge
2 complaints with the Washington State Bar Association against me and other lawyers for
3 Getty Images. The website www.timothybmccormack.com ceased to be accessible shortly
4 after this lawsuit was filed.

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6 I declare under penalty of perjury that the foregoing is true and correct.

7 DATED: July 17th, 2013.

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11 Timothy B. McCormack
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CERTIFICATE OF SERVICE

I hereby certify that on 22nd day of July, 2013, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system.

I also certify that I caused copies of the foregoing to be deposited with the United States Postal Service, with first class postage affixed, addressed to the following non-CM/ECF participants:

Ronald Camp
8616 Cavendish Drive
Kissimmee, FL 34747

Kendra Ryan, a/k/a Kendra Camp
8616 Cavendish Drive
Kissimmee, FL 34747

Veterinary Website Designers
d/b/a Vet Web Designers
c/o Ronald Camp and Kendra Ryan
8616 Cavendish Drive
Kissimmee, FL 34747

Virtual Clinics
d/b/a Virtual Clinics USA
c/o Ronald Camp and Kendra Ryan
8616 Cavendish Drive
Kissimmee, FL 34747

Veterinary Website Designers
d/b/a Vet Web Designers
4607 Lakeview Canyon Road, No. 193
Westlake Village, CA 91361

Virtual Clinics
d/b/a Virtual Clinics USA
4607 Lakeview Canyon Road, No. 193
Westlake Village, CA 91361

DATED this 22nd day of July, 2013.

YARMUTH WILSDON PLLC

By s/ Jeremy E. Roller

Scott T. Wilsdon, WSBA No. 20608
Jeremy E. Roller, WSBA No. 32021
818 Stewart Street, Suite 1400
Seattle, WA 98101
Phone: 206.516.3800
Fax: 206.516.3888
Email: wilsdon@yarmuth.com
jroller@yarmuth.com

Attorneys for Plaintiff Getty Images (US), Inc.

EXHIBIT 1

Virtual Clinics
Your Rx For Medical & Veterinary Website Design

Rue du Rhone 14 1204 Genève, Suisse



June 27, 2012

Mr. Timothy B. McCormack
617 Lee St.
Seattle, WA 98109

Re: Getty Images Reference No. 1154064 – Veterinary Medical Center

We are in receipt of your letter dated 31 May 2012 to Veterinary Medical Center in which you misrepresent having filed a fictitious lawsuit by using Getty Images in-house Reference number in your "RE:" line which reads "**Getty Images v. Veterinary Medical Center Case No. 1154064**". No such lawsuit has been filed with the King County Courthouse, nor has the Docket Number 1154064 been recorded by the King County Court Clerk's office.

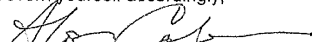
Despite the fact that Getty Images was notified in writing on 22 April 2012 that this office has been retained as Legal Counsel in this matter, Getty Images disregarded our instructions to forward any and all correspondence regarding its baseless accusations of copyright infringement by our client, to this office. Getty Images has repeatedly continued to harass, threaten and attempt to extort money for alleged copyright infringement of an image for which Getty Images refuses to produce a valid copyright registration number issued by the U.S. Copyright Office of Washington D.C. Getty Images continues to directly contact Veterinary Medical Center, despite the fact that you have been notified Veterinary Medical Center is represented by Counsel:

On 27 June 2012, this office sent Getty Images a Second Request to Cease & Desist the harassment of our client by means of, but not limited to, written correspondence, E-mail, telephone calls, and contact from third party collection agencies. On 1 May 2012, Getty Images again ignored the fact the our client, Veterinary Medical Center, is represented by Counsel, and not only contacted Veterinary Medical Center directly, but even attached a copy of our Letter of Legal Representation with their date stamp "received". In any future legal proceedings against Getty Images, we will demand that Getty Images stipulate to the fact that they were informed on 22 April 2012 that our client was represented by Counsel, yet deliberately and with malice of forethought, circumvented Legal Counsel for the express purpose of attempted illegal extortion.

We are now moving forward with a Complaint against you and Getty Images for violations of the FTC Fair Debt Collection Act. In addition, we are preparing to file a Complaint with the Washington State Bar Association's Disciplinary Board against you for ethics violations. Should you continue to make any attempts to circumvent our office and/or continue to harass our client using claims of a fictitious court filing, we will file charges against you, with Mr. Rob McKenna, Attorney General for the State of Washington and with District Attorney, Dan Satterberg, of King County, for attempted extortion and ethics violations.

We reject your Demand for Settlement and you are hereby notified for the third and final time, to Cease and Desist any and all extortion attempts, threats, misrepresentations, fake invoices, fictitious lawsuit claims, and all means of communication with Veterinary Medical Center. Should you contact our client again, we will immediately take action to file multiple Complaints with said Consumer Protection Agencies named herein, against you personally, and Getty Images, et al. This is your final warning.

Govern yourself accordingly,


Abraham Goldstien, Esq.

Cc: Veterinary Medical Center
Julie Shankland, WA State Bar Assoc. Disciplinary Board
Attorney General Rob McKenna
D.A. Dan Satterberg, King County Courthouse

S-7.2

EXHIBIT 2

Virtual Clinics
Your Rx For Medical & Veterinary Website Design

Rue du Rhone 14 1204 Genève, Suisse



January 23, 2013

Mr. Timothy B. McCormack
617 Lee St.
Seattle, WA 98109

Re: Getty Images Reference No. 1165335 – Companion Animal Hospital, Inc.

We are in receipt of your letter dated 13 December 2012 to Companion Animal Hospital in which you misrepresent having filed a fictitious lawsuit by using Getty Images in-house Reference number in your "RE:" line which reads "Getty Images v. Companion Animal Hospital, Inc. Case No. 1154064". No such lawsuit has been filed with the King County Courthouse, nor has any Docket Number 1154064 been recorded by the King County Court Clerk's office.


Despite the fact that Getty Images was notified in writing on 22 May 2012 that this office has been retained as Legal Counsel in this matter, Getty Images disregarded our instructions to forward any and all correspondence regarding its baseless accusations of copyright infringement by our client, to this office. Getty Images has repeatedly continued to harass, threaten and attempt to extort money for alleged copyright infringement of an image for which Getty Images refuses to produce a valid copyright registration number issued by the U.S. Copyright Office of Washington D.C. Getty Images continues to directly contact Companion Animal Hospital, despite the fact that your client was duly notified that Companion Animal Hospital is represented by Counsel.

Your client continues to deliberately and with malice of forethought, circumvent Legal Counsel for the express purpose of attempted illegal extortion of funds from my client by means of false representation including but not limited to, claims of filing of a lawsuit with a fictitious Case Number, and accusations of copyright infringement for which your client holds no U.S. Copyright Certificate of Registration.

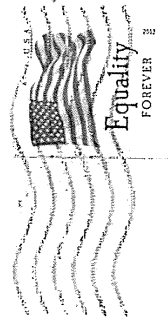
We are now moving forward with a Complaint against you and Getty Images for violations of the FTC Fair Debt Collection Act. In addition, we are preparing to file a Complaint with the Washington State Bar Association's Disciplinary Board against you for ethics violations. Should you continue to make any attempts to circumvent our office and/or continue to harass our client using claims of a fictitious court filing, we will file charges against you, with Mr. Rob McKenna, Attorney General for the State of Washington and with District Attorney, Dan Satterberg, of King County, for attempted extortion and ethics violations.

We reject your Demand for Settlement and you are hereby notified for the final time, to Cease and Desist any and all extortion attempts, threats, misrepresentations, fake invoices, fictitious lawsuit claims, and all means of communication with Companion Animal Hospital. Should you contact our client again, we will immediately take action to file multiple Complaints with said Consumer Protection Agencies named herein, against you personally, and Getty Images, et al. This is your final warning.

Govern yourself accordingly,


Abraham Goldstien, Esq.

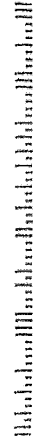
Cc: Companion Animal Hospital
Julie Shankland, WA State Bar Assoc. Disciplinary Board



ORANGE, CA 92655
23 MAY 2013 PM 2:1

Virtual Clinics Intl.
Département Juridique
Rue du Rhone 14
1204 Genève CH

Timothy B. McCormack
Attorney at Law
617 Lee St.
Seattle, WA 98109



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